

EX-4

DATE: 03/22/2004
TIME: 1402 HOURS
LOCATION: DOTHAN POLICE DEPARTMENT
CHIEF'S CONFERENCE ROOM

GC: AH, STATE YOUR FULL NAME FOR ME, PLEASE.
MB: MARY ELIZABETH BRACKIN.

GC: AND YOUR JOB TITLE.
MB: MAGISTRATE.

GC: FOR THE CITY OF DOTHAN?
MB: YES.

GC: ALRIGHT. ARE YOU TAKING ANY MEDICATIONS PRESCRIBED BY A DOCTOR THAT WOULD AFFECT YOUR ABILITY TO THINK CLEARLY?
MB: NO.

GC: OKAY. ARE YOU NOW UNDER THE INFLUENCE OF ALCOHOL OR ILLEGAL DRUGS?
MB: NO.

GC: AH.. I'M SERGEANT GARY COLEMAN. I'M CURRENTLY ASSIGNED TO THE INTERNAL AFFAIRS DIVISION. AH.. THIS IS SERGEANT RAY OWENS, ALSO ASSIGNED TO THE INTERNAL AFFAIRS DIVISION. UM, YOU UNDERSTAND THIS IS AN ADMINISTRATIVE INVESTIGATION?
MB: YES, I MEAN I WAS TOLD ABOUT THE..

GC: YOU RECEIVED A LETTER?
MB: 11:45 THIS MORNING.

GC: OKAY. AH.. HAS YOUR GARRITY BEEN READ TO YOU AND YOU UNDERSTAND WHAT IT SAYS?
MB: YES.

GC: IS THIS YOUR SIGNATURE?
MB: YES, IT IS.

GC: YOU UNDERSTAND YOUR STATEMENT IS BEING RECORDED?
MB: SURE.

GC: OKAY. AH.. YOU'RE FOCUS OF, OF THIS INVESTIGATION, YOU UNDERSTAND THAT?
MB: NO, I MEAN I DON'T, WHAT DOES THAT MEAN?

RO: THAT, THAT, THAT MEANS YOU'RE, YOU'RE, YOU'RE THE SUSPECT IN THIS INVESTIGATION.

MB: OKAY. NO.

RO: DO YOU KNOW WHAT, DID THEY TELL YOU WHAT THEY BELIEVED HAD HAPPENED?

MB: NO.

RO: OKAY.

MB: THE ONLY THING I WAS GIVEN WAS THAT LETTER THAT YA'LL WERE GONNA HAVE AN INTERVIEW TODAY WITH ME AT TWO, BUT..

RO: IN REGARDS TO THERON FONDREN?

MB: THERON FONDREN, BUT I MEAN THAT WAS IT. IT DIDN'T SAY ANYTHING ABOUT ME BEING A SUSPECT.

RO: WELL, SUSPECTS THE WRONG TERM, BUT..FOCUS OF THE INVESTIGATION. YOU'RE, YOU'RE THE FOCUS, YOU'RE THE...

MB: OKAY.

GC: LET ME SHOW YOU A DAMAGE CLAIM HERE. YOU EVER SEEN THAT BEFORE?

MB: NO. NOT THIS.

GC: DO YOU KNOW THERON FONDREN?

MB: UM, I DON'T KNOW HIM PERSONALLY, NO.

GC: AH,...

MB: I MEAN I KNOW HE UM, HAD A CASE IN OUR COURT.

GC: HAVE YOU EVER DEALT WITH HIM ON A PROFESSIONAL BASIS?

MB: YES.

GC: WHEN WAS THAT?

MB: UM, I'M NOT SURE OF THE DATE. I MEAN, I WAS WORKING DOWNSTAIRS AT THE OFFICE WHEN HE CAME IN.

GC: WAS IT AFTER JANUARY THE FIRST OF 2004?

MB: I DON'T KNOW. I MEAN, I, I COULDN'T TELL YOU THE EXACT DATE.

GC: WHAT, WHAT WAS HIS PURPOSE FOR BEING THERE?

MB: HE WAS TOLD, HE CAME TO THE WINDOW AND, UM, WANTED TO SEE MARY BETH BRACKIN AND I SAID THIS IS SHE.

GC: ALRIGHT..AND HAD YOU EVER DEALT WITH HIM PRIOR TO THAT?

MB: NOT THAT I RECALL.

GC: YOU KNOW HOW HE KNOWS YOUR NAME?

MB: NO.

GC: DID ANYBODY TELL HIM TO COME SEE YOU?

MB: I DON'T KNOW. NOT THAT I, YOU KNOW, RECALL.

GC: DID YOU EVER TALK TO HARRISON PHARR ABOUT HIM?

MB: HARRISON, THE CRO? OKAY. I DON'T, I DON'T RECALL. I MEAN, I DON'T, I TALK WITH HARRISON AND PEOPLE FROM CRO FOR SEVERAL PEOPLE, BUT I DON'T RECALL ANY SPECIFIC PERSON.

GC: DID YOU EVER TELL FONDREN THAT HE'D BEEN FALSELY ARRESTED?

MB: UM, IF I RECALL HE SAID HE WAS THERE, HE WANTED TO UM, I THINK HE SAID HE WANTED HIS TOW MONEY BACK OR SOMETHING, SAID THAT HE WAS THERE TO SEE ME 'CAUSE HE HAD BEEN FALSELY ARRESTED. AND, UM, I THINK HE HAD HIS BOND PAPERWORK AND I WENT TO MAKE A COPY OF THAT AND I WAS, UM, I THINK IT WAS MARY TURNER THAT WAS DOWN THERE 'CAUSE I WAS BACKUP THAT DAY. I'M NOT SURE IF SHE WAS THERE OR NOT, I, I DON'T KNOW. BUT, I REMEMBERED A, A PERSON THAT UM, I BELIEVE THAT WE HAD ISSUED, NOT WE, BUT I THINK IT WAS ANN BAXTER HAD ISSUED A WARRANT INCORRECTLY, AND UM, I WAS SPEAKING TO THAT PERSON ABOUT IT, BUT IT TURNED OUT THAT PERSON WAS JAMES PERON AND I GUESS I JUST GOT THERON AND PERON, 'CAUSE IT RHYMES, CONFUSED. BUT, I TOLD HIM, HE SAID WELL I WANT MY TOW MONEY BACK. I SAID, WELL YOU'LL HAVE TO FILE A CLAIM WITH THE CITY CLERK'S OFFICE TO DO THAT. AND HE SAID, WELL WHERE DO I GO? AND I JUST TOLD HIM WHERE TO GO AND HE SAID, WHAT DO I SAY? I SAID, WELL YOU'LL JUST HAVE TO TELL THEM I GUESS YOU WERE FALSELY ARRESTED, BUT I WASN'T IMPLYING THAT HE WAS, I WAS JUST TELLING HIM THAT'S WHAT HE NEEDED TO TELL THEM IN ORDER TO FILE A CLAIM.

GC: OKAY.

MB: BUT, THAT'S ALL I REMEMBER ABOUT THAT NAME. I MEAN THE NAME HAD BEEN KINDA TALKED AROUND THE OFFICE FOR A BIT, BUT NOT..

RO: FONDREN'S?

MB: YEAH.

GC: WHY? WHY WAS IT PASSED AROUND THE OFFICE?

MB: OH, I DON'T KNOW. I MEAN, JUST IN PASSING, YOU KNOW, YOU MIGHT HEAR SOMEBODY SAYING THE NAME OR SOMETHING. BUT, I MEAN I HAD HEARD THE NAME ON MORE THAN ONE OCCASION.

GC: WHAT WERE THOSE OCCASIONS?

MB: OH, GOSH, GARY, I DON'T REMEMBER. I MEAN, I DON'T..

GC: WELL, IT'S PRETTY IMPORTANT, YOU UNDERSTAND?
MB: WELL, I MEAN, I KNOW, BUT I MEAN, I..

GC: WELL I MEAN, DO YOU..
MB: GOSH, I DON'T..

GC: WAS IT, WAS IT ABOUT THE WARRANT? OR WAS IT ABOUT HIS ARREST? OR..

MB: I, THE ONLY THING I REMEMBER I THINK IT WAS SOMETHING 'BOUT HE WAS TRYING TO SAY HE WAS FALSELY ARRESTED OR SOMETHING ✓ LIKE THAT, I DON'T KNOW, I MEAN I WASN'T IN THE CONVERSATION.

GC: HOW DID HE GET THE..HOW DID HE GET THE IDEA THAT HE WAS FALSELY ARRESTED?

MB: I HAVE NO IDEA. I DON'T KNOW HOW HE GOT MY NAME TO, YOU KNOW, COME UP THERE AND ASK FOR ME. WHICH, A LOT OF PEOPLE GIVE OUT MY NAME, BUT, YOU KNOW.

RO: DID AH, WHENEVER HE CAME UP THERE, DO YOU, DO YOU REMEMBER HIM TELLING YOU THAT HE HAD BEEN FALSELY ARRESTED AND HE WAS TRYING TO FILE A DAMAGE CLAIM? DO YOU REMEMBER IF THAT'S WHAT HE SAID TO YOU?

MB: HE HAD MADE A STATEMENT THAT HE WAS THERE OR HE WANTED HIS TOW MONEY BACK BECAUSE, UM, HE SAID HE WAS FALSELY ARRESTED.

RO: OKAY.

MB: AND THAT'S, YOU KNOW.

RO: WAS ANYBODY ELSE THERE, THIS WAS AT THE WINDOW WHEN YA'LL WERE AT THE OLD BUILDING?

MB: YES, UM HM.

RO: OKAY, WAS ANYBODY ELSE THERE?

MB: RAY, I DON'T REMEMBER. I COULDN'T TELL YOU. 'CAUSE I'VE DEALT WITH SO MANY.

RO: I MEAN, I MEAN MAGISTRATES?

MB: WELL NOW THERE WAS ANOTHER MAGISTRATE THERE, 'CAUSE I WAS, I WAS NOT THERE BY MYSELF.

RO: REMEMBER WHO IT WAS?

MB: I THINK IT WAS MARY, BUT I, YOU KNOW, I, I DON'T KNOW 'CAUSE..

RO: TOO LONG?

MB: YEAH, 'CAUSE IT HAPPENED SO LONG AGO, I DON'T REMEMBER.

RO: OKAY. YOU MENTIONED A MINUTE AGO ABOUT YOU REMEMBERED HIS NAME BEING DISCUSSED IN THE OFFICE. DO YOU REMEMBER WHO THOSE DISCUSSIONS WOULD'VE BEEN WITH WHEN HIS NAME WAS BROUGHT UP?

MB: NO. I MEAN I REALLY DON'T, I MEAN I KNOW THAT, YOU KNOW, IT WAS JUST HIS NAME WAS BEING MENTIONED BECAUSE OF THE FACT THAT HE WAS SAYING THAT HE WAS FALSELY ARRESTED. AND YOU KNOW WE DON'T GET THAT MANY OF THOSE SO YOU JUST, YOU KNOW WHEN SOMETHING LIKE THAT HAPPENS PEOPLE KINDA TEND TO MAYBE TALK ABOUT IT SOME, BUT, BUT NOT ANYTHING THAT YOU KNOW LIKE IF A, A ACTUAL CONVERSATION. IT MIGHT'VE BEEN LIKE IF I WAS AT THE COPIER OR SOMETHING AND SOMEBODY MIGHT'VE SAID HIS NAME OR SOMETHING LIKE THAT. BUT, I DON'T REMEMBER..

GC: BUT YOU'VE NEVER SAID, YOU DIDN'T MAKE ANY ENTRIES ON HIS PAPERWORK, COURT PAPERS?

MB: THAT MIGHT MY WRITING WHERE THE MONEY WAS PAID RIGHT THERE, BUT MAYBE THIS IS MY WRITING HERE, IS THAT WHERE YOU'RE TALKING 'BOUT UNDER CASE ACTION? OKAY. THAT, YOU'RE JUST TALKING ABOUT THE CASE ACTION SUMMARY?

GC: IS ANY OF THAT..

MB: OH, ANY OF THIS?

GC: IS ANY OF THAT PAPERWORK, DID YOU EVER HAVE ANY DEALING WITH IT?

MB: YOU'RE TALKING ABOUT WRITING ON IT?

GC: ANY OF IT? DID YOU EVER HAVE ANY CONTACT..

MB: OH.

GC: OR UTTER ANY OF THAT PAPERWORK?

MB: I DON'T KNOW WHAT YOU MEAN?

RO: DID YOU FILL OUT ANY OF THAT PAPERWORK, OR MAKE NOTES ON IT, OR ANYTHING OF THAT NATURE?

MB: NO, NOW NONE OF THIS IS MY WRITING EXCEPT FOR MAYBE THAT MIGHT, THAT LOOKS LIKE A LITTLE BIT OF MY WRITING WHERE THE PAYMENT WAS MADE.

RO: AND THAT WAS IN NOVEMBER 26TH OF 2001.

MB: UM, HM.

RO: WOULD THAT HAVE, IF WHOEVER WROTE THIS..
MB: HAD TO BE WORKING THE FINES ROOM.

RO: THIS, WOULD THIS HAVE BEEN DONE A COURT DAY? OR..
MB: YES, HIS ARRAIGNMENT WAS NOVEMBER 26TH, 01. AND EVIDENTLY HE PLED GUILTY THAT DAY. SO HE WOULD'VE CAME DOWN TO THE FINES ROOM AND PAID. I MIGHT'VE BEEN WORKING THE FINES ROOM. I DON'T KNOW. NOW THAT'S MY INITIALS THERE, THAT'S WHEN HE CAME TO COURT SO I PROBABLY MUST'VE BEEN WORKING THE FINES ROOM THAT DAY.

RO: OKAY.
MB: AND GAVE HIM HIS ORDERS. THE ONLY THING THAT'S MINE IS, LOOKS LIKE THE PAYMENT THERE WHEN HE MADE IT AFTER HE PLED GUILTY AND THEN MY INITIALS ON THE ORDERS.

GC: WHAT ALL DID YOU AND MR. FONDREN DISCUSS THAT DAY, YOU REMEMBER? OR IS..
MB: NOT REALLY EVERYTHING, GARY. I MEAN, THAT'S BASICALLY ALL THAT I REMEMBER ABOUT HIM COMING TO THE WINDOW THAT DAY.
GC: DID YOU EVER TELL HIM THAT THE CITY OF DOTHAN WAS LIABLE IF HE WAS FALSELY ARRESTED?
MB: I DIDN'T TELL HIM THAT. I DON'T..

GC: WHY WOULDN'T YOU?
MB: WELL, I MEAN, I DON'T, THAT'S JUST SOMETHING THAT WE DON'T DO.

GC: HAVE YOU EVER BEEN INSTRUCTED IN ANY WAY ABOUT HOW TO DEAL WITH A PERSON THAT HAS A COMPLAINT AGAINST THE CITY?
MB: I THINK WE'VE HAD SOMETHING WHERE, YOU KNOW, YOU JUST, YOU TELL THEM THAT THEY NEED TO GO THE CITY CLERK'S OFFICE.

GC: OKAY. AND, HOW WAS YOU, HOW WAS THAT INFORMATION RECEIVED?
MB: I DON'T KNOW, I MEAN, IT COULD'VE BEEN IN A MEMO OR IT COULD'VE BEEN VERBALLY, I, I DON'T REMEMBER..IF, YOU KNOW, IT'S BEEN AWHILE.

GC: SHOW YOU A MEMO FROM THE JUDGE, YOU EVER SEEN THAT BEFORE?
MB: UM, HM. I THINK THAT'S WHEN WE GOT THAT, I REMEMBER THAT.

GC: DID YOU DISCUSS THIS INCIDENT WITH ANYBODY ELSE?
MB: WHAT INCIDENT? YOU TALKING ABOUT WHEN HE WAS THERE?

GC: UM, HM.

MB: I DON'T REMEMBER IF I DID. I MEAN, I DON'T, YOU KNOW WE, WE TEND TO TALK ABOUT DIFFERENT THINGS IN THE OFFICE ABOUT CASES, BUT I DON'T REMEMBER THAT ONE IN PARTICULAR.

RO: LET ME ASK YOU BEFORE, YOU MENTIONED JAMES PERON?
MB: YEAH.

RO: TELL ME BRIEFLY, BRIEFLY DESCRIBE THAT CASE, YOU KINDA GOT THOSE TWO MIXED UP A LITTLE BIT?

MB: YEAH, I D..THERE WAS CASE WHERE, WHEN MARY WAS ON LEAVE, I THINK ANN BAXTER WAS DOING THE WARRANTS. AND THERE WAS AN INCIDENT WHERE HE WAS ARRESTED AND I BELIEVE THE WARRANT, I MEAN, I, FROM WHAT I REMEMBER THAT WARRANT SHOULDN'T HAVE BEEN ISSUED, BUT. I WAS, I KNOW THAT HIS NAME WAS BEING THROWN AROUND A LITTLE BIT, ALONG WITH MR. FONDREN AND WHEN I SAW, WHEN I, WHEN HE CAME UP THE THERON AND THE PERON KINDA SOUNDED FAMILIAR, SO I DON'T KNOW IF I WAS GETTING THEM CONFUSED OR WHAT, BUT..

RO: ANN BAXTER ISSUED, AS YOU REMEMBER?

MB: AS FAR AS I REMEMBER. NOW, I DIDN'T, YOU KNOW, I, I DIDN'T GO INTO REALLY ANY DETAIL INTO INVESTIGATING ANYTHING, 'CAUSE I JUST, YOU KNOW, I FELT THAT WASN'T ANY OF MY CONCERN TO, YOU KNOW, I THOUGHT THAT WAS SOMEBODY ELSE DOING THAT.

RO: THE REASON, THE REASON THAT YOU'RE KINDA PUTTING THESE TOGETHER IS BECAUSE OF THE THERON AND THE PERON, YOU THINK?

MB: WELL I KINDA, YEAH. I MEAN.

RO: OKAY. I JUST WANTED TO SEE WHERE WE WERE ON PERON.

GC: AH, DID YOU EVER MAKE ANY COMMENT TO ANYBODY? AS FAR AS, AH, AFTER THE INCIDENT WAS OVER, MR. PERON, MR. FONDREN LEFT. DID YOU EVER SAY ANYTHING ABOUT?

MB: UH, UH.

RO: TO THE OTHER MAGISTRATES, COWORKERS?

MB: NO, I DON'T REMEMBER, I MEAN, LIKE I SAID I DON'T, YOU KNOW, WE TALK SO MANY, ABOUT SO MANY DIFFERENT CASES TO EACH OTHER IT'S HARD TO SAY IF I TALKED TO ANY CERTAIN PERSON OR..

GC: DID YOU EVER MAKE A STATEMENT, "I JUST TOLD THAT MAN WE'RE LIABLE. I GUESS I'M IN TROUBLE."? DID YOU EVER SAY THAT?

MB: I DON'T RECALL THAT. UH, UH.

GC: YOU NEVER TOLD ANYBODY THAT YOU TOLD HIM THE CITY WAS LIABLE?

MB: I DON'T RECALL SAYING THAT, GARY, I MEAN I CAN'T SAY THAT I, I, I DON'T THAT WE DON'T DO THAT. BUT, I CAN'T SAY FOR SURE THAT I DIDN'T, BUT I, I'M NOT GONNA THAT I DID 'CAUSE I DON'T, I DON'T RECALL THE WHOLE CONVERSATION.

GC: UM, HM.

MB: BUT, I DON'T. I KNOW THAT THAT'S SOMETHING THAT WE DON'T DO.

GC: UM, HM. OKAY. YOU UNDERSTAND YOU'RE STILL UNDER GARRITY?

MB: YEAH.

GC: IS THERE ANY TIME THAT YOU MADE ANY KIND OF STATEMENT AGAINST THE CITY OF DOTHAN REFLECTING, TELLING HIM THAT THE CITY WAS LIABLE, THE MAGISTRATES WERE INCOMPETENT, OR ANYTHING LIKE THAT?

MB: GARY, I DON'T RECALL SAYING THAT, YOU KNOW, TO HIM. I MEAN, I DON'T RECALL SAYING THAT. I MEAN, I DON'T..I JUST DON'T REMEMBER THE WHOLE THING ABOUT THE CONVERSATION, 'CAUSE I JUST, I TALK TO SO MANY DIFFERENT PEOPLE.

RO: DO YOU RECALL, DO YOU RECALL SAYING ANY OF THAT TO ANYONE? BE IT A, A ANOTHER MAGISTRATE OR ANYBODY?

GC: BONDSDMAN? OR ANYBODY?

MB: I, I CAN'T RECALL SAYING IT. BUT, I MEAN, I DON'T, YOU KNOW WHAT I'M SAYING, I MEAN, I DON'T REMEMBER SAYING ANYTHING. I MEAN, I DON'T..I DON'T KNOW IF I'M EXPLAINING MYSELF RIGHT. I MEAN, I DON'T, I'M NOT..

RO: SHOW HER THOSE STATEMENTS?

GC: I HAVE TWO STATEMENTS HERE FROM, UM, ONE FROM LAVERA MCCLAIN AND ONE FROM EUNICE KNIGHT THAT YOU MADE THE STATEMENTS THAT YOU TOLD MR. FONDREN THAT THE MAGISTRATE, AH, WHAT WAS HER NAME THERE?

RO: ANN BAXTER?

GC: ANN BAXTER HAD ISSUED A WARRANT AND SHE WAS INCOMPETENT AND THEN YOU MADE THE STATEMENT, "I JUST TOLD THAT ME THAT WE'RE LIABLE."

MB: I DON'T REMEMBER THEM, I DON'T REMEMBER THEM BEING DOWN THERE, I MEAN, YOU'RE SAYING THAT THEY WERE DOWN THERE OR ME JUST SAYING THAT?

GC: I DIDN'T SAY THEY WERE DOWN THERE, YOU SAYING THAT.

MB: OH, I DON'T RECALL SAYING THAT.

RO: AFTER, AFTER YOU, ALLEGEDLY YOU DEALT WITH FONDREN..
MB: UM, HM.

RO: YOU MADE THE STATEMENT TO ONE OF THOSE, I'M NOT SURE WHICH ONE, THAT ANN BAXTER SHOULD NEVER ISSUED THAT WARRANT, THAT SHE WAS INCOMPETENT, AND THAT IT MIGHT'VE BEEN THAT YOU REALIZED THAT THEN..

MB: IT MIGHT'VE BEEN THAT I WAS THINKING MAYBE IT WAS PERON AND I WAS, AND IT WAS THERON, THAT I WAS GETTING THE NAMES CONFUSED.

RO: THEN MAYBE YOU SAID, "WELL I DON'T CARE SHE'S STILL INCOMPETENT, I'M NOT SORRY FOR WHAT I SAID." OR SOMETHING TO THAT EFFECT. DO YOU REMEMBER ANYTHING LIKE THAT?

MB: I DON'T REMEMBER SAYING THAT, NO. I DON'T, I DON'T SAYING.. ✓

RO: OKAY. LAVERA SAYS THAT YOU TOLD LAVERA THAT YOU TOLD FONDREN THAT HE'D BEEN FALSELY ARRESTED AND THE MAGISTRATE WAS ANN BAXTER AND THAT SHE NEEDED TO BE PUNISHED BECAUSE SHE WAS AN INCOMPETENT MAGISTRATE.

MB: SHE'S SAYING THAT I SAID THAT I TOLD HER THAT? OR TOLD FONDREN THAT?

RO: TOLD HER THAT.

MB: THAT I TOLD HER THAT. I DON'T RECALL, RAY. I MEAN, I DON'T RECALL THOSE, THE CONVERSATION.

RO: OKAY. AND I MEAN, I, WE DON'T KNOW 'CAUSE WE WEREN'T THERE.

MB: I DON'T, WELL, I MEAN I'M JUST..

RO: ..JUST CONDUCT THE..

MB: IT'S HARD TO REMEMBER..

RO: I UNDERSTAND.

MB: ..SPECIFICALLY EVERYTHING THAT WAS SAID DURING CONVERSATION, WHEN WE TALK ABOUT SO MANY DIFFERENT THINGS AND CASES THAT HAPPEN. BUT, I DO REMEMBER THAT THE PERON WAS ONE THAT HAD, WE HAD TALKED ABOUT THAT WAS BROUGHT UP A FEW, A COUPLE OF WEEKS PRIOR TO THERON FONDREN COMING IN AND THAT AFTER WE LOOKED AT IT, I CAN'T REMEMBER WHO FOUND IT, WHO IT WAS, BUT IT WAS THAT ANN HAD ISSUED THE WARRANT INCORRECTLY.

RO: LET ME ASK YOU THIS. ON JAMES PERON, DID YOU TELL JAMES PERON THAT HE'D BEEN FALSELY ARRESTED?

MB: NAW, I DON'T REMEMBER COMING IN CONTACT WITH HIM. I MEAN, I DON'T KNOW HIM, I DON'T, I DON'T REMEMBER..

RO: ALRIGHT. EUNICE KNIGHT SAYS IN HER STATEMENT THAT THE DAY THAT YOU SPOKE TO FONDREN..

MB: UM, HM.

RO: ..LET'S NOT GET'M CONFUSED..

MB: I KNOW.

RO: ..I KNOW IT'S EASILY DONE, BUT THE DAY THAT YOU SPOKE TO FONDREN, THAT AFTER YOU GOT THROUGH, YOU CAME UPSTAIRS AND SAID THAT YOU HAD SPOKEN WITH HIM AND TOLD HIM THAT HE SHOULD NOT HAVE BEEN ARRESTED AND THAT HE HAD GROUNDS FOR SUIT. AND YOU TOLD HIM THAT HE NEEDED TO GO TO THE CITY MANAGER'S OFFICE AND SPEAK WITH THEM ABOUT THAT. AND YOU MADE THE STATEMENT TO HER THAT YOU DIDN'T CARE IF THEY KNEW THAT YOU'D TOLD HIM THAT. DO YOU REMEMBER SAYING THAT TO EUNICE?

MB: AAHHH, I WOULDN'T SEND HIM TO THE CITY MANAGER'S OFFICE TO BEGIN WITH.

RO: OKAY. BUT, DID YOU..

MB: I MEAN, I'LL..

RO: ..DID YOU REMEMBER MAKING THAT STATEMENT?

MB: NO, I DON'T REMEMBER THAT. BUT LIKE I SAID THE PERON AND THE, THAT NAME HAD BEEN, YOU KNOW, THROWN AROUND, WE'D TALKED ABOUT THAT A COUPLE OF WEEKS PRIOR, BUT I CAN'T REMEMBER WHO INITIATED THE, OR HOW WE FIGURED OUT, YOU KNOW, THAT HE'D BEEN ARRESTED AND SHOULDN'T HAVE, I DON'T KNOW.

RO: 'CAUSE I..A LOT OF TIMES IT WILL HELP IF THE PEOPLE, IF YOU HEAR EXACTLY WHAT THEY SAY YOU SAID.

MB: RIGHT.

RO: AND THAT'S WHY I WANTED TO READ THAT TO YOU.

MB: AND I DON'T, YOU KNOW, LIKE I SAID, I REALLY DON'T REMEMBER EVERYTHING THAT WAS SAID ABOUT THAT SITUATION BECAUSE IT JUST, IT..

RO: LET ME ASK YOU THIS. DO YOU THINK YOU MIGHT HAVE HAD A CONVERSATION LIKE THAT WITH THEM?

MB: I MIGHT'VE TALKED TO EUNICE BECAUSE SHE KEYS IN THE PAPERWORK. I MIGHT'VE JUST SAID MAYBE THAT, YOU KNOW..BUT, LIKE I SAID, I THINK MAYBE I GOT'EM CONFUSED WITH THE PERON AND THE THERON AND YOU KNOW.

RO: LET ME, LET ME ASK YOU ANOTHER HARD QUESTION.

MB: OKAY.

RO: IN FONDREN'S COMPLAINT HERE TO THE CITY CLERK, HE SAYS THAT, "I WAS WRONGFULLY ARRESTED ON A FALSE WARRANT. MARY BETH OF THE MAGISTRATES OFFICE CAN CONFIRM THIS." WHY WOULD HE SAY THAT?

MB: WELL, THE ONLY THING I CAN THINK OF THERE IS WHENEVER, LIKE I SAID, I WAS TELLING YOU NEEDED TO GO THE CITY CLERK'S OFFICE AND HE WAS MAKING A FACE, "WELL WHAT DO I TELL'EM WHEN I GET THERE?" I SAID, "WELL JUST TELL'EM YOU NEED TO FILE A CLAIM FOR WRONGFUL ARREST." BUT, I WASN'T TELLING HIM THAT HE WAS WRONGFULLY ARRESTED. I WAS JUST SAYING THAT THAT'S WHAT YOU NEED TO TELL THEM, 'CAUSE I DIDN'T KNOW IF THEY WOULD ASK WHY OR..

GC: IN MR. FONDREN'S STATEMENT HERE HE SAYS, "SOMEHOW I ENDED UP IN THE MAYOR'S OFFICE AND THEN BACK AT THE CITY CLERK'S OFFICE." DID YOU TELL HIM TO GO TO THE MAYOR'S OFFICE?

MB: NO, UH, UH. I TELL'EM TO GO TO THE CITY CLERK'S, I MEAN, THAT'S WHAT WE WERE TOLD TO TELL'EM WHERE TO GO TO FILE, 'CAUSE HE WAS WANTING HIS TOW MONEY BACK.

RO: WELL, THAT, THAT'S WHAT, AND YOU, YOU CAN, COURSE YOU READ HIS COMPLAINT..

MB: RIGHT.

RO: AND THAT'S WHY I'M ASKING YOU THESE QUESTIONS, BECAUSE HE MAKES IT SOUND LIKE YOU'RE THE ONE ADVISING HIM TO DO THIS, RATHER THAN HIM WANTING..

MB: UH, UH.

RO: ..TO KNOW HOW TO GO ABOUT GETTING HIS MONEY BACK.

MB: UH, UH.

RO: AND THAT'S THE REASON I'M ASKING YOU THAT. BUT, HE CAME IN TO YOU, TO SEE YOU AND ASKED SPECIFICALLY ABOUT GETTING HIS TOW MONEY..

MB: RIGHT.

RO: ..REIMBURSED..

MB: RIGHT.